

**FILED**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

OCT 28 2015

Clerk, U.S. District Court  
District Of Montana  
Great Falls

UNITED STATES OF AMERICA,

CR 13-42-GF-BMM

Plaintiff,

**ORDER**

vs.

TONY RAY MANYGUNS,

Defendant.

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on October 13, 2015. Defendant admitted he had violated Standard Condition 6 of his supervised release by failing to notify his probation officer prior to quitting his job, and he had violated Special Condition 2 of his supervised release by consuming alcohol. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of twelve months and one day, with no supervised release to follow. He also recommended that the Defendant be placed at the Federal Correctional Institution in Herlong, California.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted he had violated Standard Condition 6 and Special Condition 2. Defendant could be incarcerated for up to 24 months, followed by 36 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of four to ten months. A sentence of twelve months and one day in custody, followed by no supervised release is appropriate. The sentence is sufficient but not greater than necessary. Continued supervision is not appropriate given Defendant's unwillingness to be supervised.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 48) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 28th day of October, 2015.



Brian Morris  
United States District Court Judge